

MINUTES OF THE LAFAYETTE COMMON COUNCIL
July 6, 2009
REGULAR MEETING

The Common Council of the City of Lafayette, Indiana met in regular session on Monday July 6, 2009 at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Steve Meyer called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were present:

Present: Heide, Klinker, Campbell, Cornstuble, Brown, Novak, Weast-Williamson, Downing and Meyer.

The City Clerk stated that there was a quorum present.

City Clerk Cindy Murray and City Attorney Ed Chosnek were present.

Councilman Campbell moved to recess for a public hearing on Ordinance 2009-07 (An Ordinance for Appropriation of the Local Highway User Tax Funds-County Wheel Tax Fund#249) and Ordinance 2009-08 (An Ordinance to Vacate a Portion of the Public Way in the City of Lafayette, Indiana), Councilwoman Weast-Williamson seconded. The motion passed by unanimous voice vote. No public comment was heard. Councilman Campbell moved to reconvene the regular meeting, Councilwoman Weast-Williamson seconded. The motion passed by unanimous voice vote.

Councilman Campbell moved to approve the minutes from the June 1, 2009 regular meeting, Councilman Klinker seconded. The motion passed by unanimous voice vote.

The Clerk stated that there were no Claims, Petitions or Communications.

The Clerk stated the following reports are available in the City Clerk's Office:

Clerks Office Monthly-May 2009

Police Department Monthly-May 2009

Water Works Department Monthly-May 2009

Water Pollution Control Department Monthly-May 2009

Fleet Maintenance Department Monthly-May 2009

Ordinances for Second Reading:

The Clerk read Ordinance 2009-05 (An Amendment to Ordinance No. 95-22 Inclusion of Certain Property in the Local Ninth Street Hill Historic District in the City of Lafayette, Indiana, 111-113 S. 9th Street) by title only on second and final reading. Councilman Campbell moved for passage, Councilman Heide seconded. Aimee Jacobsen, Community Development Director, spoke regarding this ordinance. Ordinance 2009-05 passed 8-0 on a roll call vote on second and final reading.

The Clerk read Ordinance 2009-06 (An Ordinance to Amend Amended Ordinance 2008-24 An Ordinance Fixing the Salaries of the Appointed Officers and Employees of the City of Lafayette, Indiana, for the Year 2009, Excluding the Sworn Protective Occupation and Law Enforcement Members of the Police and Fire Departments) by title only on second and final reading. Councilwoman Weast-Williamson moved for passage, Councilman Downing seconded. Mayor Roswarski spoke regarding this ordinance. Ordinance 2009-06 passed 8-0 on a roll call vote on second and final reading.

The Clerk read Ordinance 2009-07 (An Ordinance for Appropriation of Local Option Highway User Tax Funds-County Wheel Tax-Fund #249) by title only on first reading. Councilman Brown moved for passage, Councilwoman Weast-Williamson seconded. Mayor Roswarski spoke regarding this ordinance. Ordinance 2009-07 passed 8-0 on a roll call vote on second and final reading.

The Clerk read Ordinance 2009-08 (An Ordinance to Vacate a Portion of the Public Way in the City of Lafayette, Indiana) by title only on second and final reading. President Meyer requested all comments on Ordinance 2009-08 and Ordinance 2009-10 both be discussed at this time since they both pertain to the CVS project. President Meyer left the meeting due to conflict of interest at 7:16 pm President Pro-tem Weast-Williamson presided over the meeting. Councilman Heide moved for passage, Councilman Cornstuble seconded. Councilman Campbell asked if a decision had been made regarding monetary compensation to the City for the alley that is being vacated with this Ordinance. Ed Chosnek, City Attorney read a portion following market analysis report submitted to his office by Alan White, a local commercial real estate broker:

The subject property is currently being used as a city alley and consist of a strip of ground that is 12' x 285' with a total of 3420 square feet. The proposed use of the property is for the alley to be vacated and the land be made part of a larger assembled block which will then be developed as a CVS Drug Store. In evaluating this property, it is clear that finding readily available recent comparable sales data for an improved city alley does not exist. My next resource was to evaluate the sales data for the rest of the assembled property in this neighborhood which will make up the entire proposed new development which I did. After analyzing the sales data provided me, my opinion is as follows:

The location of this alley is as critical and necessary step to allow this development to move forward as was assembling all of the other property. The difference in determining value in my opinion is that in the true since of "market value", the other assembled lots, if not being used for this proposed development would still have value if marketed for sale on their own as opposed to the alley which would have little, and more likely zero value if marketed for sale on its own. Although the alley is a necessary part of this project, in my opinion, it should be looked at by the City as if it were an easement that needed to be relocated or removed or a curb cut that needed to be added or removed to complete a larger and or a potentially better project.

Due to the end users site and location specific needs, the assembled improved and unimproved lots have a "higher" than normal market value and therefore has created some additional value in the above mentioned alley. In my opinion the value of the described property is:

THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00)

This "Opinion of Value" is to be used only for determining market value. It is understood that I do not hold or carry the license or the credentials of a Real Estate Appraiser and that any determination was based on my years of local real estate experience as a licensed real estate agent/broker.

If I can be of further assistance with regard to this evaluation, please feel free to call at anytime.

Respectfully Submitted, Alan D. White

Mr. Chosnek stated after meeting with Mayor Roswarski it was determined the project was significant enough that the City should be compensated more then this appraised value for this property. Mr. Chosnek referred to Joe Bumbleburg, Attorney for the petitioner for the offer from his clients. Mr. Bumbleburg stated after evaluation and discussion with his client, they are prepared to offer the city NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00) for the property. Discussion ensued, Councilman Campbell expected higher compensation, and Councilman Brown felt the property should reflect a commercial pricing. Mr. Bumbleburg noted the property is currently zoned residential therefore doesn't qualify for a commercial price.

The following citizens spoke regarding the Ordinance.

Pearl Speakman, 923 S. 22nd St. spoke in opposition.

Perry Brown, 1714 Union St. spoke in support.

Mike Godby, 1100 E 510 S, Lafayette, a local realtor agreed with the pricing on the property

Jason Pullen, 1702 Union St spoke in support and felt it would have a positive effect on the area.

Derick Rogers, 1700 Block of Salem St spoke in support.

Joyce Welch, 10th and Hartford St. spoke in opposition.

Lloyd Wells, 3717 Rawlings Dr. spoke in opposition due to the current vacant buildings in the city.

Tom Timmons, 1805 S 22nd St. commercial appraiser, felt the property should be appraised as it is currently zoned.

Gary Ford, 3113 Underwood St. spoke

Terry Masterson 1115 Central St. spoke in support of the monetary offer.

Geneva Werner, 2312 Longlois Dr. wondered why the alley is being vacated prior to the project.

Mr. Chosnek explained the alley vacation is necessary for the project to move forward.

Mr. Chosnek clarified for the vote the compensation for the alley is not part of Ordinance 2009-08 however it has been agreed upon verbally from the petitioner that the City will be compensated for this alley.

Ordinance 2009-08 passed 6-1 on a roll call vote as follows on second and final reading.

Ayes: Heide, Klinker, Cornstuble, Novak, Weast-Williamson, and Downing

Nays: Brown

Ordinances for First Reading:

The Clerk read Ordinance 2009-10 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from R3 to PDNR, GB, Indiana 2, LLC, Petitioner-CVS at 18th & Salem PD) by title only on first and final reading. Councilman Cornstuble moved for passage, Councilman Downing seconded. Mr. Bumbleburg, Attorney for the petitioner gave a presentation on planned development and the spoke regarding this ordinance. Craig Forgey of Gersman Brown and Crowley Inc., contractors for the project spoke regarding the construction of the CVS store. The following citizens spoke regarding the CVS project.

Perry Barbee, 1714 Union St. spoke in support

Pearl Speakman, 923 S 22nd St. spoke in opposition

Angie Fisher, 201 Equestrian Dr. spoke in support and stated the home she owns at 1736 Union Street, was formerly owned by Arletta Winrow the first African American teacher in Lafayette and they would like to see the home moved to a different location so that may be preserved for its historic value.

Mike Godby, 1100 E 510 S, spoke in support.

Alan Welch, 1021 N 10th St. spoke in opposition

Jason Cole, 1626 Main St, spoke in support

Norman Deboy, 1013 Potomac Ave. spoke in support

Joyce Welch, 1021 N 10th St. spoke in opposition.

Charles Merrill, 28 S, 26th St. spoke in support.

Terry Masterson 1115 Central St. spoke in support.

Geneva Werner, 2312 Longlois Dr. spoke in opposition and suggested more community input before this project is finalized.

Mayor Roswarski spoke in support of the project and praised the petitioners for their willingness to work with the city to create a plan that is in the best interest of the neighborhood.

Ordinance 2009-10 passed 5-2 on a roll call vote as follows on first and final reading.

Ayes: Heide, Klinker, Cornstuble, Novak and Downing

Nays: Campbell and Brown

President Meyer returned to the meeting at 8:46 pm.

The Clerk read Ordinance 2009-11 (An Ordinance of the Common Council of the City of Lafayette, Indiana, Authorizing the Mayor and/or Controller of the City of Lafayette, Indiana, to Make a Temporary Loan to Pay for the Remodeling of Fire Station Number 1) by title only on first reading. Councilwoman Novak moved for passage, Councilman Cornstuble seconded. Jim Morrow, Fire Chief spoke regarding the project. Mike Jones, Controller spoke regarding the ordinance. Ordinance 2009-11 passed 8-0 on a roll call vote on first reading.

The Clerk read Ordinance 2009-12 (An Ordinance Authorizing the Acquisition, Construction, Installation and Equipping by the City of Lafayette, Indiana, of Certain Improvements and Extensions to the Sewage Works of the City, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Segregation and Distribution of the Revenues of Such Sewage Works, the Safeguarding of the Interests of the Owners of the Revenue Bonds, and Other Related Matters, Including Repealing Ordinance Inconsistent Herewith.) by title only on first reading. Councilman Campbell moved for passage, Councilman Brown seconded. Brad Talley, Water Pollution Control Superintendent spoke regarding the projects associated with this ordinance. Mike Jones, Controller spoke regarding the ordinance. Ordinance 2009-12 passed 8-0 on a roll call vote on first reading.

The Clerk read Ordinance 2009-13 (An Ordinance Annexing Certain Lands into the City of Lafayette, Indiana-2009 Annexation) by title only on first reading. Councilman Campbell moved for passage, Councilman Heide seconded. Mayor Roswarski spoke regarding the Annexation. Ordinance 2009-13. Councilman Campbell moved to amend Ordinance 2009-13 by adding Exhibit 8, Councilman Klinker seconded. The motion passed by unanimous voice vote. Amended Ordinance 2009-13 passed 8-0 on a roll call vote on first reading. Councilman Campbell moved to set a public hearing for on Monday September 14, 2009 at 7:01 P.M. Councilman Klinker seconded. The motion passed by unanimous voice vote.

Resolutions:

The Clerk read Resolution 2009-07 (A Resolution Accepting the Transfer of Real Estate from the Tippecanoe County Board of Commissioners to the City of Lafayette-1024 Sycamore Street) by title only on first and final reading. Councilwoman Williamson moved for passage, Councilman Brown seconded. Jenny Miller, City Engineer spoke regarding the resolution. Resolution 2009-07 passed 8-0 on a roll call vote on first and final reading.

The Clerk read Resolution 2009-08 (A Resolution Accepting the Transfer of Real Estate from the Tippecanoe County Board of Commissioners to the City of Lafayette-1102 Sycamore Street) by title only on first and final reading. Councilman Brown moved for passage, Councilwoman Novak seconded. Resolution 2009-08 passed 8-0 on a roll call vote on first and final reading.

The Clerk read Resolution 2009-09 (A Resolution to Approve the Lafayette Housing Consortium Home Programs and the City of Lafayette Community Development Block Grant Action Plan for 2009) by title only on first and final reading. Councilman Campbell moved for passage, Councilman Cornstuble seconded. Aimee Jacobsen, Community Development Director spoke regarding the resolution. Resolution 2009-09 passed 8-0 on a roll call vote on first and final reading.

The Clerk read Resolution 2009-10 (A Resolution Approving the Substantial Amendment to the Consolidated Action Plan 2008-2009) by title only on first and final reading. Councilwoman Williamson moved for passage, Councilman Downing seconded. Aimee Jacobsen, Community Development Director spoke regarding the projects involved in the Action Plan which will be funded by one time stimulus money. Resolution 2009-10 passed 8-0 on a roll call vote on first and final reading.

The Clerk read Resolution 2009-11 (A Resolution Adopting a Summary & Fiscal Plan and Definite Policy Regarding the Annexation of Certain Lands into the City of Lafayette-Indiana-2009 Annexation.) by title only on first and final reading. Councilman Campbell moved for passage, Councilman Klinker seconded. Dennis Carson, Redevelopment Director spoke regarding the resolution. Councilman Campbell moved to amend Resolution 2009-11 by adding Exhibit 11, Councilman Cornstuble seconded. The

motion passed by unanimous voice vote. Amended Resolution 2009-11 passed 8-0 on a roll call vote on first and final reading.

Reports of Standing Committees: None

Reports of Special Committees: None

Report by the Mayor: Mayor Roswarski presented the Clean Sweep Trophy to the Maple Ridge Youth Group and thanked them for their efforts on Clean Sweep Day.

Miscellaneous and New Business:

Councilman Campbell moved to appoint Jack Walkey to the Police Civil Service Commission, Councilman Brown seconded. The Motion passed by unanimous voice vote.

Public Comment:

Sherry Towers-Jones and Kelsey, 502 S. 7th St. gave a short presentation in support of having a 4th of July Parade in Lafayette.

Lloyd Wells, 3717 Rawlings Dr. spoke regarding inconsistent speed limits on S 18th St.

Gay Ellen Stulp, 1213 Wea Ave. spoke regarding the Ordinance against having chickens in the city and would like the council to consider amending the Ordinance. President Meyer thanked Ms. Stulp for her comments and informed her he would refer the letter she had sent to the Council and the petition she plans to present to the Clerks Office to the Health and Safety Committee of the City Council for review.

Pearl Speakman, 923 S. 22nd St. spoke regarding deterioration in his neighborhood.

Terry Masterson, 1115 Central St. questioned if the Council would be reviewing the Trolley Tax.

Perry Barbee, 1714 Union St. spoke in support of a 4th of July parade and spoke against raises for elected officials.

Councilman Campbell moved to adjourn Councilman Klinker seconded. Meeting adjourned at 9:47 pm

Minutes prepared by Cindy Murray, City Clerk

Complete audio of meeting available in the City Clerks office or at www.lafayette.in.gov